

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. NO. 01-20

RECORD Department of Telecommunications and Energy to AT&T
REQUEST: Communications of New England, Inc.

DATE: January 23, 2002

RR-DTE-42 Please provide the paragraph number in the FCC *Line Sharing
Reconsideration Order*¹ where the FCC states that Verizon is required to
keep UNE-P intact.

Respondent: W. Salvatore

RESPONSE: The FCC's *Line Sharing Reconsideration Order*, adopted and released on
January 19, 2001, addresses several petitions for reconsideration /
clarification of its prior Line Sharing Order. One of the issues addressed
in the *Line Sharing Reconsideration Order* was raised simultaneously in
Petitions For Clarification by AT&T and MCI WorldCom, both dated
February 9, 2000. These petitions sought clarification on whether
incumbent local exchange carriers ("ILECs") were required to permit
competitive local exchange carriers ("CLECs") to offer DSL service over
the same loop with voice provided over the unbundled network element
platform ("UNE-P").

AT&T's Petition For Clarification states at Section II, page 9:

"The ILECs attempt to justify the anticompetitive practices described
above by misreading—and misapplying—paragraph 72 of the *Line
Sharing Order*, which states, 'incumbent carriers are not required to

¹ *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98- 147, Fourth Report and Order on Reconsideration in CC Docket No. 96- 98, Third Further Notice of Proposed Rulemaking in CC Docket No. 98- 147, Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96- 98, FCC 01- 26 (rel. Jan. 19, 2001) (*Line Sharing Reconsideration Order*).

provide line sharing to requesting carriers that are purchasing a combination of network elements known as the platform. In that circumstance, the incumbent no longer is the voice provider to the customer.’ Some ILECs have interpreted this language to mean that the Commission has determined that ILECs are not required to make any provision to enable customers of a CLEC-provided UNE-P voice service to obtain data service on the same line. This interpretation is obviously wrong. The Commission should promptly clarify that the ILEC efforts to implement this erroneous interpretation will not be tolerated.”

In addition, MCI WorldCom’s Petition at Section III, page 11, states:

“... the Commission should clarify that its *Line Sharing Order* permits CLECs to combine, on one copper loop to a customer, (1) a voice circuit-switched UNE platform service obtained from the ILECs and (2) packet switched broadband facilities obtained from a CLEC, while compelling ILECs to provide necessary cross-connects, troubleshooting, and other functions at cost-based rates.”

The FCC’s *Line Sharing Reconsideration Order*, paragraph 16, states with respect to AT&T’s and WorldCom’s Petitions:

“We grant the petitions of AT&T and WorldCom with respect to their request for clarification that an incumbent LEC must permit competing carriers providing voice service using the UNE-platform to either self-provision necessary equipment or partner with a competitive data carrier to provide xDSL service on the same line. By doing so, we clarify that existing Commission rules support the availability of line splitting.”

Thus, the FCC granted AT&T’s and WorldCom’s Petitions. Incumbents must permit CLECs to offer DSL over the same loop used for voice provided over the UNE-P. UNE-platform must not be separated into component piece parts or migrated to a “new arrangement” different from the combined UNE-P with the addition of DSL service.